

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT MICHIGAN**

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Case No. _____
	)	
v.	)	
	)	
JOHN DOE subscriber assigned IP	)	
Address 172.5.214.64,	)	
	)	
Defendant.	)	
_____	)	

**MOTION FOR LEAVE TO SERVE A THIRD PARTY  
SUBPOENA PRIOR TO A RULE 26(f) CONFERENCE**

Pursuant to Fed. R. Civ. P. 26(d)(1), and upon the attached: (1) Memorandum of Law in support of this motion; (2) Declaration of Colette Pelissier in support of this motion; (3) Declaration of Patrick Paige in support of this motion; and (4) Declaration of Tobias Fieser in support of this motion, Malibu Media, LLC (“Plaintiff”), respectfully moves for entry of an order granting it leave to serve a third party subpoena on AT&T Internet Services, prior to a Rule 26(f) conference (the “Motion”). A proposed order is attached for the Court’s convenience.

Respectfully submitted,

**BOROJA, BERNIER &  
ASSOCIATES PLLC**

/s/ Joel A. Bernier

**By: JOEL A. BERNIER (P74226)**

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*Attorney for Plaintiff*

**CERTIFICATE OF COMPLIANCE**

Pursuant to E. D. Mich. LR 5.1(a) I hereby certify that the foregoing has been prepared using one of the font and point selections approved by the Court in E. D. Mich. LR 5.1(a)(3). This document was prepared using Times New Roman (14 pt.).

/s/ Joel A. Bernier

**By: JOEL A. BERNIER (P74226)**